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Deliberative Democracy and the Secret Ballot: Can We Have Both? Three Areas of Tension

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Abstract: Recently, Bart Engelen and Thomas Nys have offered an analysis of some of the non-deliberative properties of the secret ballot. This marks an interesting theoretical approach that I will build upon in this paper. I do this by identifying and discussing three areas of tension between deliberative ideals and secretive voting. I divide these areas into three separate categories – which I label the justificatory tension, the self-regarding tension, and the sincerity tension. I argue that both the justificatory tension and the self-regarding tension signify substantial areas of tension between the current practice of secretive voting and some of the ideals within deliberative democracy. In the last section of the paper, I argue that one way to reduce the tension between the practice of secretive voting and deliberative ideals is to adopt an epistemic approach to deliberation.

Key words: deliberative democracy, secret ballot, public voting, ethics of voting.

Thomas Nys and Bart Engelen have recently argued that the practice of secretive voting is in tension with some of the values often encouraged within the theory of deliberative democracy (2013). For reasons I will describe shortly, this is a very interesting approach to adopt when analyzing our current practice of secretive voting. The approach that Engelen and Nys take is, self-admittedly, *not* an attempt to develop an extensive comparison between the theory of deliberative democracy and the secret ballot. (2013, 495). Instead, they use deliberative principles as their starting point for a critical evaluation of voter secrecy. It is my objective in this paper to provide some of what they have omitted, namely, an in-depth and more *theoretically specific* discussion of the relation between the secret ballot and deliberative democracy. That is, I try to argue how certain specific commitments in the theory of deliberative democracy ought to make us skeptical of the process of secretive voting. This approach is interesting for several reasons. First of all, it is surprising that one of the universal institutional structures in liberal democracies – secretive voting – has not undergone any full-fledged, systematic normative analysis from the vantage point of the ideals of deliberative democracy. This is striking, in part, due to the individual importance of both deliberative democracy and the secret ballot. The secret ballot, as an institutional design, is enshrined in Article 21 of the Universal Declaration of Human Rights and is at the center of the procedural workings of modern democratic systems of voting for citizens. Article 21, (3) states: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." (Universal Declaration of Human Rights 1948) Secondly, in the world of democratic theory, deliberative democracy is a major, and central, theoretical apparatus which commands the attention of several influential

scholars. (Elster, 2003; Gutmann and Thompson, 1996, 2004; Cohen, 1997; Bohman, 2000.) If there is real tension between a major theoretical framework, such as deliberative democracy, and the widespread form of secretive voting, then this seems worth exploring – if nothing else, so as to lay bare the reasons why such a tension is currently to be accepted as a political reality.[1]

From here on, my approach is the following. First, I will shortly describe some of the core normative features of deliberative democracy. I then identify and discuss three areas of tension between deliberative democracy and the secret ballot. The first tension concerns voter justification, the second self-regarding voting, and the third sincerity in voting. After arguing that these three aspects are in tension with the practice of secretive voting, I proceed to discuss various objections to the existence of these tensions. I conclude that these objections fail for various reasons, but that one way to relieve the tension is to adopt an epistemic approach to deliberative democracy.

I. WHAT IS DELIBERATIVE DEMOCRACY?

Deliberative democracy is a vast theoretical enterprise designating a multitude of normative positions and principles (Elster 2003; Gutmann and Thompson 1996, 2004; Cohen 1997; Bohman 2000). On a fundamental level, it is a theoretical view that emphasizes the importance of justifying public policy with reasons acceptable to all who are bound by those policies. Justifying the exercise of political power is to be done on the basis of reasoning among free and equal citizens (Gutmann and Thompson 1996, 52, Cohen 1997, 412).

One way to identify some of the values of the deliberative model is to contrast it with an aggregative model. On one influential understanding of these two models, voting is the mere aggregation of fixed preferences, while deliberation seeks to base political decisions on the collective and *preference-altering* nature of public deliberation (Elster 2003). That is, deliberation attends to the formation and justification of preferences, while aggregation compiles individual political preferences, typically through a voting process.

In this paper, what I want to draw attention to is not the general relationship between voting and deliberation, but the *secretive* aspect of voting and its relationship with deliberation. Secrecy is a distinct feature of voting that adds to the normative worries highlighted by deliberative theorists. It is those worries to which I will soon turn. However, in order to gain some conceptual precision for the analysis to come, I will first describe two different conceptions of the value of deliberative democracy as this will become important in the latter part of this paper. The first concerns political legitimacy, and the second concerns epistemic benefits.[2] For my purposes, this distinction between the

1] This is obviously not a tension *felt* by all, since not everybody ascribes to the principles of deliberative democracy.

2] This distinction does not imply that these two conceptions can always be kept separate. For

legitimacy approach and the epistemic approach to deliberative democracy is important. It is important because I will argue that the tension between the ideals of deliberative democracy and the secret ballot does not concern not a tension between an *epistemic approach* to deliberation and voter secrecy.

Legitimacy:

Joshua Cohen locates part of the central value of deliberation in the relation between the legitimacy of political outcomes and the deliberative activities of those who are bound by such outcomes. He writes: "In particular, outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals. The ideal deliberative procedure is a procedure that captures this principle." (Cohen 1997, 73). The free exchange of reasons, in which citizens partake, aims to establish *the legitimacy* of the outcome of the democratic process. These outcomes are to result from the free exchange of ideas, arguments, and justifications about what constitutes the common good of a given society. Since political decisions are binding on all, the legitimacy of the outcomes should, therefore, consist of the deliberation of all (Manin 1987, 352). Another value that the deliberative approach emphasizes is the *respect* citizens are shown when they are afforded a fair hearing in the deliberative process both preceding and following policy-formation. By letting people have their say in a deliberative interchange, their standing to make claims or offer reasons is acknowledged, and they are therefore being respected in a morally substantial way (Chambers 2017, 268).

Epistemic Approach:

Some also locate the value of deliberation in the epistemic benefits it can provide. For example, if participants, through the giving of arguments and the weighing of evidence, produce more accurate beliefs, then this is an epistemic benefit of the deliberative interchange (Peter 2016, 142). On one view, the deliberative model can be seen as a truth-tracking procedure, which functions properly when it provides increasingly reliable information about the proper or morally right outcomes of democratic processes. Such a view entails, roughly, that there are right and wrong answers to some political questions, and public deliberation is one reliable way in which we can come to some approximation of these answers (Landemore 2017, 284). Deliberation might accomplish this on the basis of enlarging the pools of ideas and information, weeding out bad arguments and leading to consensus on the most reasonable outcome (Landemore 2012, 97). This, however, does not imply that consensus is thought of as a requirement in order for there to be an epistemic benefit to deliberative procedures. It might be that even if disagreement persists, the deliberative process sheds light on *the reasons* for the disagreement and therefore knowledge as to why the disagreement has yet to be solved.

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example, one can hold that political decisions are only legitimate insofar as they are, to a certain degree, epistemically justified.

II. DELIBERATION AND (SECRETIVE) VOTING

The relationship between the principles of deliberation and the existence of majoritarian decision-procedures (i.e., voting) is a complicated one. It is, however, not difficult to see why deliberative democrats may regard secretive voting as problematic. This may stem from a more fundamental uneasiness between deliberation and voting in general. Jeremy Waldron sums up quite nicely what such uneasiness can consist of: "Voting shifts us from the qualitative consideration of substance to sheer quantitative business of seeing which proposition enjoys the support of the greatest number." (Waldron 1999, 212).

If what we value is the *substance* of the public arguments and viewpoints that are put forward in the democratic dialogue, then voting may be seen as a rather crude form of decision-making. It collectivizes our individual preferences, giving no special attention to what these preferences are, how they are formed, and whether they're justified. The crudeness of this aggregation of preferences consists, at least in part, in treating each and every input the same. The fact that voting is *also secret* only seems to add to this crudeness. Not only are individual preferences undifferentiated, but they are also tallied up anonymously – meaning that it is difficult to hold citizens accountable for their act of political influence, and to call upon them to justify themselves. If we are convinced that the exercise of power should be justified to the citizenry, that wielders of power should be accountable, and that choosing our leaders should be based on publicly debated reasons, then it is not initially difficult to see why we might be worried about with the non-deliberative and non-justificatory structure of voting secrecy.[3]

III. CLARIFYING THE ARGUMENT

As mentioned, I will structure the following discussion by building on some recent arguments and observations made by Bart Engelen and Thomas Nys (2013). To put their argument into context, it is important to note that they *are not* proposing that a commitment to deliberative principles implicates – in any form – the abolition of the secret ballot. Nys and Engelen discuss many substantial potential problems that accompany certain forms of public voting. For example, an open system will yield strong social pressure on those who are socially and economically least well off. This will lead to voter abstention, which will threaten the inclusive ideal of democratic participation (Engelen and Nys 2013, 501–2). Other worries include the possibility of citizens yielding to social conformity, or the possibility of an increase in political polarization, in which citizens become more staunch and unflinching in their political convictions (Engelen and Nys 2013, 501). I agree that these are considerable problems, which would need to

3] Some praise the inclusive and egalitarian aspects of voting. (Mansbridge *et al* 2010, 85). This form of equal inclusivity – Mansbridge and others point out – "[...] makes a statement of equal respect parallel to, but qualitatively different from, the respect accorded by listening in deliberation." (Mansbridge *et* al 2010, 85)

be acknowledged if one is to make an argument for the practical implementation of some form of public voting. However, this paper is an analysis of how some of the ideals and principles of the deliberative model are in tension with the current and widespread form of secretive voting. In other words, the normative principles within deliberative theory should lead us to be very skeptical of the use of secretive voting.[4] The fact that public voting may currently be infeasible does not defeat the purpose of such inquiry. One way of seeking out potential problems with our current institutions is by seeing how they fall short of normative ideals.[5] Also, there are multiple circumstances relating to the process of voting, which might, potentially, be made more deliberative. Understanding how the current process of secretive voting holds up to the ideals of deliberative democracy is useful in exploring such circumstances.

IV. THREE AREAS OF TENSION

4.1. The Justificatory Tension

So, in what sense are the principles of deliberative democracy in tension with the secret ballot? First, Engelen and Nys stress that one of the central normative commitments of deliberative theory concerns the justification of our public policies to those who are bound by them. They state, for example, that: "[...] it is not sheer numbers, but the views and arguments of citizens that should matter in a democracy. Democratic politics is about justifying the exercise of power by means of reasons that all citizens can reasonably be expected to endorse." (Engelen and Nys 2013, 495). As Engelen and Nys point out, under a secretive system, voters experience little in terms of an incentive to justify or explain themselves. One of the problematic aspects of voter-secrecy, then, is that it helps to shield each voter from potential deliberative pressure of giving some explanation or justification for how they vote (Engelen and Nys 2013, 497). With no verifiable way to hold people to account for how they vote, they can cast their ballot however they like, for any reason they like. Now, this is obviously also possible in a non-secretive system, in which people can still vote for whatever reason they feel like. What seems to make up the central difference for Engelen and Nys is that secrecy denies us the possibility of *actually knowing* how people vote. If people actually were *to know,* they could hold others accountable for their choices in the voting booth.

It is important to distinguish two ways in which this will increase the deliberative circumstances of voting. First, citizens can now engage each-other after elections, and they can demand a justification – they will be able to say: "You voted for x, explain

4] There is a slight terminological clarification to be made here: when it is suggested that some principles are in tension with some practice, it does not mean that those principles are therefore *themselves* endorsed. It means, instead, that *if* one endorses those principles, *then* these areas of tension arise.

5] Engelen and Nys also use it to show how demanding deliberative principles are for citizens.

yourself!" Such an interchange could, presumably, continue even after the election is over. Second, this will also create an increase in the internal deliberative workings of the voters *before the election*, since they now can *reasonably expect* to be asked to justify themselves. They will thus be faced with an incentive to think – from the perspectives of others – about how they will explain themselves, which will mark an increase in internal deliberation.[6] What I want to do now is to explicate how this tension relates directly to some of the core commitments of deliberative theory, and to draw some important distinctions based on this.

In order to do this, consider the following description of the notion of reciprocity from Amy Gutmann and Dennis Thompson: "Reciprocity holds that citizens owe one another justifications for the mutually binding laws and public policies they collectively enact." (2004, 98). Importantly, they add that very few traditions give the notion of reciprocity the same central role as it is afforded in deliberative democracy. (Gutmann and Thompson 2004, 98). Now, as they are formulated here, reciprocity and secrecy are not at odds with each other. It is certainly possible for citizens to offer justifications and reasons in a deliberative interchange, and then – assuming that deliberation does not yield agreement – use a majoritarian and (secretive) decision-mechanism. In this sense, secrecy and reciprocal justification are certainly not conceptually incompatible. Instead, the deliberative worry about voter secrecy is that voting is *part of the process* in which we choose not only political representatives but also public policy.

It is, therefore, proper to make the *circumstances* of the voting process *more* deliberative. On this view then, deliberation and voting co-exist: voting is an inherently non-deliberative way of (temporarily) ending the preceding deliberative interchange. What the position entails, instead, is a commitment to making the *circumstances* and the *process* of voting more deliberative by creating a greater incentive for deliberative interchanges and accountability on behalf of voters. By making the voting process more open, we are approximating the deliberative ideal that citizens should stand in a justificatory, reciprocal relationship with each other. Again, we can distinguish two dimensions of this claim. First, openness is conducive to an increase in both internal and external deliberative pressure, which can increase the public deliberative pressure on voters before and after elections. Second, openness makes voters accountable to each other, such that they must offer justifications for their acts of political influence. It is also important to note here that the *value* of voter justification can also be understood in several different ways. Justification may be valuable because it is instrumental in creating a valuable form of a political community. This form of a political community is one in which citizens show respect for each other when each seeks to justify the political influence they exert through voting. Secondly, voter justification may be epistemically valuable because it is conducive to creating better input for political decisions. On this second view, the value of an increase in justificatory deliberation consists in getting

6] On the notion of internal deliberation, see Goodin 2000.

citizens to vote on the basis of the substantial arguments that 'survive' the justificatory process. The justificatory process is the process of internal reflection that voters undergo, and the justificatory exchanges they partake in with each other, before and after elections. The value of this deliberative increase consists of creating the best epistemic circumstances for citizens to cast their vote. I will explore this distinction in the last section of the paper.

Let me summarize this first area of tension: if what is normatively important is the substance of the reasons and justifications we give each other, then a system that makes it possible for citizens to offer no justifications at all, let alone reasons that all citizens can reasonably be expected to endorse, leaves much to be desired.[7] Again, it is certainly possible to value both the process of justification and also value secrecy. The tension that Engelen and Nys pinpoint, as I see it, is that secrecy de-incentivizes and reduces deliberative aspects of the voting process. Comparably, then, public voting is more conducive to at least some of the ideals of deliberative democracy. This tension can be labeled the *justificatory-tension with secrecy.*

4.1.1 Objections to the justificatory tension

One way to mount a general counter to the justificatory tension is to argue that there is a second-order deliberative justification for the non-deliberative circumstances of voting. (Mansbridge *et al.* 2010, 88) For example, if the *procedure* of voting has undergone proper public justification, then *the process* retains deliberative legitimacy – even if the *individual votes* can be cast without giving a justification. Similarly, it can be argued that secretive voting retains deliberative legitimacy because the process of secretive voting has undergone the proper public deliberative justification, even if the individual votes have not.[8] However, I do not believe that this response gets at the essential issue. First, the potential deliberative worry about secrecy is that the *votes themselves* are not exposed too much justificatory pressure. This worry seems to persist even if *the procedure* has undergone proper public justification. A slightly different proceduralist response to the justificatory tension is to suggest that as long as the proper deliberation has taken place, the outcomes are legitimate (Christiano 1996, 35). Again, I do not think this response poses a solution to the justificatory tension with secrecy.[9] This is because the justificatory tension does not assert that outcomes are to be deemed illegitimate because they have been chosen in secret. Rather, the point is that the secretive *procedure* limits important parts of the deliberative scheme: that of justification for, and accountability of, political actions that are collectively binding.

7] The non-deliberative structure of secret voting is also noticed by Frederick Schauer (1999, 20).

8] Whether or not this process has been publicly decided upon is an empirical question that I, at present, cannot attend to.

9] Nor is it directly intended to in this context. It is merely used as a possible objection.

Lastly, even if we do accept the procedural response, it only shows that we *can* make the procedures more deliberately justified, but it is not clear why we should not *also* make the votes *themselves* more deliberately justified.[10]

Moving away from procedural responses, we can question the justificatory tension with secrecy on more fundamental grounds. For example, Russel Hardin has argued that it is only public officials who should be expected to give reasons for their decisions and not citizens. It is inherent in the political role of public officials that the public can demand justifications, while citizens do not have such public obligations. (Hardin 1999, 221-2) If deliberative democracy concerns only the relationship between public officials and citizens, then claiming that citizens should justify themselves [and their votes] is surely an unwarranted extension of the principles of deliberation. However, Hardin's description of the obligations of deliberative democracy seems too restrictive. Indeed, as he himself notes, most normative theories of democracy place obligations of justification and accountability on behalf of public officials – surely, deliberative democracy must entail more than just this (Hardin 1999, 221).[11] On a very influential account, the task of justification is quite explicitly given to *both* officials and citizens (Gutmann and Thompson 1996, 52). Hardin is, of course, right in noticing that different obligations and demands of justification apply differently to citizens and public officials. However, citizens are most certainly to be included within the deliberative scheme, as it is their preferences, arguments, and proposals that the deliberative interchange seeks to establish and promote.

Therefore, these objections are not successful in countering the tension between secrecy and deliberation.

4.2. The Self-Regarding Tension

I will now turn to the second area of tension: the all-affecting nature of voting. How we act as a collective, especially in voting, is something that will impact the whole of society. We ought, therefore, to take into consideration the common good, instead of merely attending to our own personal preferences. This public-mindedness, also a virtue in deliberative democracy, is, according to Nys and Engelen – difficult to square with a secretive voting system. This is due to how secrecy makes voting a *private* act, while voting in public induces voters to attend to more public reasons for their vote (Engelen and Nys 2013, 496).

This privatization of motivation in voting runs counter to the public ideal of deliberation, in which citizens are to acknowledge and engage with other political actors to discover, or establish, what is of common interest to them. With an open vote,

10] This argument is similar to the argument Jonathan Quong (2004) makes concerning the wide view of public reason.

11] Hardin leaves himself some room to ascribe obligations to citizens by saying 'primarily'. Also, it is possible that deliberative democracy does entail more than this, but not more in terms of obligating citizens.

on the other hand, people can face inquiries, questions or demands for justification for how they vote. Since citizens can verifiably know how people vote under such a system, there will be a stronger incentive for voters to offer reasons that others can understand or acknowledge since purely self-regarding political preferences will be harder to defend publicly (Nys and Engelen 2013, 496).[12] Due to this form of public deliberation, voters must think in terms of what other citizens are likely to appreciate or acknowledge. This pressures voters into adopting different viewpoints, enlarging the sense of what matters for the public good or society at large (Benhabib 1996, 72).

By making the voting process more deliberative in this way, there will be an increase in pressure to offer reasons *in* public, but also to offer reasons the *content* of which are public, in the sense of being acknowledged or understood by others. Obviously, there are empirical complexities that arise here. What if voters just conform to the prevailing social norms of their community? What if they cloak their essentially private interests as being 'in the name of the common good'? These are important questions, but as of now, what is of interest is the claim that some of *the principles* of deliberative democracy are more aligned with that of giving other-regarding or common-good reasons. This can be labeled the self-regarding tension with voter secrecy.

4.2.1. Objections to the self-regarding tension

One principled response, then, is to question the role of these self-regarding reasons in deliberative democracy. Jane Mansbridge has, for example, argued that self-interest has a legitimate place in democratic deliberation because it serves two important functions. By clarifying and exploring our private interests, we are identifying the different preferences that must be attended to when publicly deliberating on the common good – it thus helps to give us information about the particular interest that 'go into' the deliberative process. Second and more controversially, is the claim that self-interests are themselves justifications, and thus serve as *reasons* for implementing certain policies (Mansbridge et al. 2010, 73–74). Such an argument does not take us very far. The reason for this is that even if self-interest can play a legitimate deliberative role, they may continue to do so under public voting. So, even if we grant that self-interested reasons can serve as justifications, very little follows from this. The deliberative argument here must be that public voting is *more conducive* to the giving of public reasons – and this does not suggest that self-interested reasons can, or should, play *no role* in deliberative interchange.

There are, however, empirical reasons to be skeptical of the self-regarding tension. There is empirical data suggesting that citizens actually do not vote in self-regarding, or purely self-interested ways (Chong 2013, Funk 2000). Voting in secret, then, does not seem to purge us of altruistic or other-regarding concerns. This, however, only shows voters vote altruistically even when they do not vote publicly. This does not suggest that

12] See Brennan and Pettit 1990 for a similar argument.

public voting will not yield *an increase* in the public *content* of reasons and an increase in the amount of *public discussion* of voters.

4.3. The Sincerity Tension

One last area of tension I want to highlight concerns sincerity. Engelen and Nys suggest that the secret ballot can be seen as a corrupting influence on democratic citizens, as there is something deceitful about keeping voting shrouded in secrecy (2013, 496). Although they do not explicate or develop this point much further, I believe that more can be said for it. I think we can elaborate on it by summarizing it as a concern about *sincerity* (Gardner 2010, 936). Under a secretive system, there is no way of knowing whether citizens actually 'follow-through' on their convictions, ideas or expressed standpoints. Secrecy, then, allows for voters to take a public stance, and then to vote for something completely different (Gardner 2011, 931-32). This, Gardner suggests, has implications for some normative conceptions of deliberation:

> "Deliberative theories tend strongly to disfavor insincerity because it is a form of strategic behavior that is thought to undermine true deliberative engagement and thus to impair the ability of deliberators to reach a genuine consensus." (2011, 936)

A similar concern has been expressed by Rawls, namely that "[...] public discourse runs the risks of being hypocritical: citizens talk before one another one way and vote another." (2005, 215).

How does insincerity pose a possible problem if we want to satisfy the conditions of deliberation? Prima facie, it is not difficult to initially see why sincerity is a deliberative virtue. If we want to have policies and legislative changes publicly justified to us, and have the arguments of citizens publically heard and acknowledged, then we need to know about the truthful opinions and real circumstances of the lives of citizens in order for the deliberative enterprise to establish or clarify the policies that should pertain to these citizens. Being insincere can be a way of treating the democratic forum as an opportunity to advance one's interests on the basis of power or strategic manipulation, which runs counter to the normative ideal of trying to connect public policy to the outcomes of the honest argumentative back-and-forth of citizens. How, then, does insincerity pertain specifically to the question of secret voting? The worry, as stated above, is that secrecy allows for us to vote *not* on behalf of the preceding deliberative engagements, but for any reason – indeed, reasons that may run counter to our deliberative agreements or clarifications. Now, what does it mean to say that people can vote in a way that is not a continuation of the preceding deliberative interchange? I take it to mean that if we agree – through the use of public deliberation – that candidate A will best serve our interest, then the secrecy of the ballot allows for me to go vote for candidate B instead, thus not 'carrying out' the action that we agreed to be the best option. I have therefore been insincere in my public expressions of my support of candidate A, and this form of

insincerity is made possible because of the secrecy of the ballot.[13] This can be labeled as the sincerity-tension with voter secrecy.

4.3.1. Objections to the sincerity tension

I do not think that sincerity presents as substantial a tension as either the justificatory or the self-regarding tension. I will here present some reasons why I believe this to be the case.

First of all, it is not clear that it is voter *secrecy* that matters all that much in this instance. To better see this, contrast it with a public system. In a public system, you can, rightfully perhaps, impugn me for voting differently then what we publicly established to be the proper candidate. But, this does not show me to be insincere in the pre-voting process of the election. I may have come to realize that a different candidate is actually a better fit for the arguments and concerns we both deliberated on. Also, publicity in voting cannot – by itself – reveal what my *reasons* are for voting a certain way. They can only hide or publish *how* I vote. Open voting can only reveal that *at least some of my reasons* have changed, if my pre-election reasons included *my desire to vote for A*, and I ended up voting for B instead.

Lastly, there is a question concerning the size of the group doing the deliberation. Following Gardner, what is worrisome about insincerity is the *strategic* element of it (Gardner 2011, 931-32). This seems like a legitimate worry in smaller-scale settings. To better see this, imagine a small group of people facing a decision on how to allocate some limited amount of resources. They start off by trying to allocate these resources by public deliberation, by a fair and respectful weighting of the concerns of the members of the group. After engaging in this process, they find out that they will not be able to distribute the resources merely on behalf of public argument, so the process ends with a vote. Imagine this vote to be secret. If the deliberative process has yielded some preliminary agreements, such as a decision on how to allocate at least some of the resources, then if someone votes contrary to this agreement, she is not acting on behalf of their public considerations of how to achieve the optimal outcome. She may be more interested in voting in ways that serve her strategic goals, rather than to vote on behalf of their public agreements. This seems to hurt the deliberative process in this scenario, because the deliberative process is not, in the right way, causing, or influencing, the outcome that was publically decided on.[14]

Some problems arise when this strategic worry is applied to decisions in mass-democracies. First, if one's vote has limited causal power – such as in general elections in large democracies – then there are weaker reasons for one to vote strategically due to the diminishing returns of the vote. Second, it is not clear as to what constitutes

13] Assuming, of course, that I knew I wouldn't vote for this candidate at the time of voicing my public support.

14] In this situation they only vote because of practical necessity.

the deliberative engagements that one must vote on behalf of in mass democracies. Is it troublesome to have citizens vote in a way that deviates from what was agreed on, or publicly argued for, in previous engagements with friends, family members or co-workers? I doubt that we have very strong intuitions in the affirmative here. Also, such engagements seem too far from removed from any concrete political change to be properly deemed *democratic* deliberation. Therefore, there seems to be an ambiguity as to how we are to understand what it means to vote on 'previous deliberative engagements' in mass democratic societies. This does not show that strategic voting cannot be a legitimate worry as it relates to secrecy; it only shows that such a worry relates to the electoral scale that is under discussion, from general elections in mass democracies to decisions undertaken in smaller electoral contexts. For these reasons, the sincerity tension might apply to a small-scale deliberative setting, while it seems less significant in mass-scale democratic settings. Hence, the sincerity tension, as presently stated, presents less tension than the justificatory and self-regarding aspects.

Let me take stock. So far, by attending to some of the comments by Engelen and Nys, I have identified three aspects of secretive voting which are in tension with some of the theoretical virtues of deliberative democracy. For the remainder of this paper, I suggest that an epistemic approach to deliberative democracy is one efficient way to relieve some of this tension.

V. WHY (SOME) DELIBERATIVE DEMOCRATS MAY NOT FAVOR PUBLICITY

At this point, I want to argue the three aspects of secretive voting under discussion are not in tension with some of the *epistemic aspects* of deliberative democracy. Simone Chambers has some very helpful distinctions relevant for this discussion. She points out that we may have reasons that are by their nature un-shareable, yet not selfish or purely self-regarding. These include, for example, comprehensive world-views that others, due to different metaphysical commitments, cannot accept (Chambers 2004). Likewise, she points out that the distinction between private and public reasons does not necessarily track any epistemic qualities. We can have well-reasoned, reflective forms of self-regarding justifications and have poorly-reasoned or shallow forms of other-regarding justifications (Chambers 2004). Opening up deliberation to a wider public may yield an increase in the *public* reasons offered under some circumstances, but this does not mean that these public reasons are epistemically sound or well-thought-out positions. Chambers puts her point like this:

> "The problems associated with going public are not problems of private reasons but rather the problem of shallow public reason: wanting to please the largest number of people possible or wanting to appear firm and decisive in the public's eye. Thus the appeal is general but the content is suspect." (2004, 394).

By opening up a deliberative process to the general public, an incentive can be created to meet the discursive demands by giving shallow or superficial reasons, which threatens to flatten the discursive landscape. Chambers calls this plebiscitary reason, and it consists of the following well-known strategies: manipulation, pandering, image-maintaining (2004, 398). Engelen and Nys are also aware of these potential epistemic pitfalls. They argue, for example, that public voting can lead to voters refusing to adjust or change their positions, due to not wanting to appear weak (Engelen and Nys 2013, 500). With this in mind, consider the two strongest tensions once again. The first is the justificatory tension, which is the tension between the normative deliberative requirement of giving reasons and a secretive voting process in which reason-giving is de-incentivized. One reason why deliberative democrats ought, in principle, to favor publicity is that the process of justification yields an internal and external increase in voter deliberation. Ideally, such a process promotes voting based on the arguments and reasons that emerge, and are promoted, in the public political arena, which is to be preferred to a system in which voters can choose to vote for whatever reason they like, for no reasons, or for bad reasons. Following Chambers, however, there may be worries about the possible epistemic effects of this. For example, citizens may pander by offering reasons their social surroundings find acceptable, or citizens may vote a certain way to maintain or regain a public image. If we're epistemic deliberative democrats, these circumstances are important. They are important because if the justificatory process is to yield epistemic benefits, then the process of voter justification must be exercised in the right way. Therefore, it is not sufficient that public voting induces both pre and post-electoral public deliberation by voters, because that deliberation may lack the prerequisite epistemic qualities.

Consider, now, the self-regarding tension. The principled deliberative worry about secrecy in this respect is that secrecy runs counter to understanding political decisions as a public, collective enterprise. Public voting is more in line with the goal of offering public reasons that others can acknowledge. Again, following Chambers, there are epistemic worries present here. For example, it might be that the deliberative interchange between voters is not conducive to advancing the best arguments. Perhaps voters will give any justification that grants them social acceptance. This does not necessarily mean that public voting cannot be conducive to reaping epistemic benefits. It merely suggests that if we value democratic deliberation because it is conducive to reaching epistemically justified outcomes, then there are *additional epistemic* circumstances that need to be spelled out in order to show that deliberative democracy is principally opposed to secrecy. Expressed differently, *epistemic deliberative democrats* are only principally opposed to voter secrecy insofar as secrecy yields an epistemic deficit – and it is not obvious that this is the case.[15] We need a richer description of the epistemic benefits of publicity to be able to argue that there is a principled discrepancy at work here.

15] That is: epistemic deliberative democrats are only opposed to secrecy *qua being* epis-

Some might find this claim puzzling. A skeptic might ask: If we are not in favor of increasing the deliberative circumstances of voting, because publicity may increase the risk of certain epistemic pitfalls, then is any deliberative claim being advanced at all? If the skeptic is right in claiming that no deliberative claim is made at all, then that is a problem for my argument. It is a problem because it would mean that I would be proposing to solve a tension between deliberative democracy and secret ballot by simply abandoning some central ideals in deliberative democracy – which is hardly a very satisfying solution.[16] However, I do not think the skeptic is right about this. I agree that it does seem puzzling to suggest that deliberative democrats may have reasons *not to* make some circumstances more deliberative, but such a position *is* possible from within a deliberative viewpoint. It seems puzzling only if we assume that deliberative theorists are committed to *making everything more deliberative*, rather than judging everything by deliberative standards (Gutmann and Thompson 1999). If the assumption that deliberative theorists are committed to making everything more deliberative is dropped, the position I have sketched appears much less problematic.

Another skeptical reply to my argument is to say that there is an epistemic uptake by virtue of there being an increase in justifications given, even if they are epistemically unsound, and as such, public voting *is more conducive* to the ideals of the epistemic approach to deliberation than secrecy. I partly agree with this reply. However, the strength of this reply would rest on the epistemic substance and the circumstances in which those justifications are given. It is not obvious that the increase in the giving of justifications equals an increase in epistemically qualified voter deliberation. Such a case would require additional argumentative support.

Therefore, in order to properly analyze the process of secretive voting from the vantage-point of deliberative principles, it is important to distinguish between valuing justification and the giving of public reasons for epistemic or non-epistemic reasons. What I have suggested is that if we take an epistemic approach to deliberation, both the justificatory and the self-regarding tension lose substantial steam.[17]

As mentioned, however, this is only true for the epistemic approach. The tension still exists, at least as I have argued, if we accept that justification and accountability are deliberative values which are not exhausted by their potential to yield epistemic benefits. For example, if we believe that justification and accountability have intrinsic value, then the mere fact that voters become accountable to each other, regardless of epistemic benefits, may have value within deliberative democracy. This area of tension

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temic deliberative democrats.

16] It is not unsatisfying because we necessarily should be adamant in upholding deliberative ideals. Rather, it is theoretically unsatisfying because my aim is to discuss the tension that exists when one wants to uphold values of deliberative democracy *and* the current practice of secretive voting. Simply abandoning either is not in any sense an interesting solution.

17] My argument does not warrant the conclusion that the tension is not there, but rather than there are insufficient reasons to believe that it is there.

between justification and secrecy is not dissolved by accepting the epistemic approach. The argument sketched here as to why epistemic deliberative democrats may not, principally, be opposed to secrecy, can vary in strength. A stronger version of this claim would be an argument showing that secrecy may, in fact, be *epistemically superior* to publicity in the context of voting. I have not defended this stronger version. I have instead raised some issues concerning some important distinctions between different versions of deliberative democracy and tried to show that there is insufficient ground for claiming there to be a principled discrepancy between secrecy and an epistemic version of deliberative democracy.

VI. CONCLUSION

I have discussed several parts of the relationship between deliberative democracy and the secret ballot. Voter secrecy has a multifaceted relationship with deliberative democracy. On the one hand, majority voting as an institutional design gives each political input the same weight. Each citizen that partakes in this process has an equal say. The secrecy of the ballot adds to this egalitarian inclusiveness by shielding voters from external social pressure. Each citizen partakes in the electoral process with no direct claim of justification or reason-giving required for this action, signaling that each adult can take part in the process, regardless of their reasons for doing so.[18] These inclusive aspects of secrecy also contain the non-justificatory elements – which I've suggested – are opposed to the ideals of deliberative democracy. Analyzing the relationship between secrecy and deliberation seems to bring out these different aspects – which I have outlined in three different ways – as the justificatory tension, the self-regarding-tension, and the sincerity-tension. I've suggested that both the justificatory and the self-regarding tension are significant tensions, while the sincerity-tension remains, at present, unpersuasive as substantially worrisome from the viewpoint of deliberative democracy. Lastly, I've argued that there are insufficient reasons to suggest that epistemic deliberative democracy is in tension with voter secrecy. Needless to say, such conclusions are merely preliminary, I hope, however, that they provide some conceptual tools for further analysis and discussion.

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18] Annabelle Lever has argued that this egalitarian aspect of the secret ballot signals the inherent democratic value of voter privacy. (2015)

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